

*REMARKS/ARGUMENTS**The Pending Claims*

Claims 1, 12-35, and 42 are pending and directed to an isolated antigen (claim 1), a ligand that recognizes the antigen (claims 12-19 and 33-35), a composition comprising the ligand (claims 20-30), and a method for treating a cancer disease (claims 31, 32, and 42).

Claim 1 is the sole claim under examination at the present time. Claims 12-35 are labeled as withdrawn in response to the earlier restriction requirement. Applicants request the rejoinder and examination of claims 12-35, as well as new claim 42, at such time as claim 1 is indicated as allowable inasmuch as claims 12-35 and 42 directly or indirectly depend from, or contain the same limitation as, claim 1.

Amendments to the Claims

The claims have been amended to point out more particularly and claim more distinctly the invention. In particular, claims 1 and 31-33 have been amended to recite that the antigen consists of residues 600-1,960 of SEQ ID NO: 17, as supported by the specification at, for example, page 3, lines 9-11, and page 7, lines 1-4.

Claims 3, 4, and 36-41 have been canceled.

Claim 42 is new and is supported by the specification as well as by originally filed claims 31 and 32.

No new matter has been added by way of these amendments to the claims.

Summary of the Office Action

The Office rejects claims 1, 3, 4, and 36-41 under 35 U.S.C. § 112, first paragraph, for allegedly lacking written description.

The Office rejects claims 1, 3, 4, and 36-41 under 35 U.S.C. § 112, second paragraph, as allegedly indefinite.

The Office rejects claims 1, 3, and 4 under 35 U.S.C. 102(b) as allegedly anticipated by WO 01/75067 as evidenced by Creighton et al. (*Genome Biol.*, 4(7): R46 (2003)).

Reconsideration of these rejections is hereby requested.

Discussion of the Section 112 Rejections

The pending claims, as amended, recite an isolated antigen consisting of residues 600-1,960 of SEQ ID NO: 1. Applicants believe that the amendments to the claims overcome the written description and indefiniteness rejections. Accordingly, Applicants request that the Section 112 rejections be withdrawn.

Discussion of the Section 102(b) Rejection

The Office contends that the claims encompass a full-length non-muscle myosin heavy chain (NMMHC) type 2 protein and that WO 01/75067 (as evidenced by Creighton et al.) discloses the NMMHC type 2 protein of SEQ ID NO: 17.

As discussed above, the claims have been amended to recite an antigen *consisting of* residues 600-1,960 of SEQ ID NO: 17. None of the cited references teaches or suggests an antigen *consisting of* these particular residues. Therefore, Applicants request that the Section 102(b) rejection be withdrawn.

Conclusion

Applicants respectfully submit that the patent application is in condition for allowance. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,


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